

AFCC 37th Annual Conference

"Alienation, Access & Attachment: Balancing Legal Issues with the Needs of the Family"

5/31/00 - 6/3/00

"INTEGRATED FAMILY COURTS: A FULL SERVICE MODEL"



PRESENTED AT:

New Orleans, LA

6/2/00

PRESENTED BY:

VINCENT J. POPPITI
CHIEF JUDGE

EDWARD G. POLLARD, JR.
COURT ADMINISTRATOR

FAMILY COURT OF THE STATE OF DELAWARE

EMPOWERMENT AND JURISDICTION

EMPOWERMENT

The Family Court is authorized by Title 10, Chapter 9 of the Delaware Code. Section 902(a) of this enabling Chapter states:

In firm belief that compliance with the law by the individual and preservation of the family unit are fundamental to the maintenance of a stable, democratic society, the General Assembly intends by enactment of this chapter that 1 court shall have original statewide civil and criminal jurisdiction over family and child matters and offenses as set forth herein.

MISSION STATEMENT

The Family Court shares the mission of the Delaware Judiciary:

The primary mission of the Delaware judicial system is to provide a forum for deciding cases for the citizens of Delaware justly, promptly, and efficiently.

Additionally the statute authorizing the Family Court defines the purpose of the Family Court as follows:

[T]o provide for each person coming under its jurisdiction such control, care, and treatment as will best serve the interests of the public, the family, and the offender, to the end that the home will, if possible, remain unbroken and the family members will recognize and discharge their legal and moral responsibilities to the public and to one another. 10 Del. C. § 902(a) (1974).

DELAWARE SUPREME COURT

SUPERIOR COURT

CRIMINAL JURISDICTION

Murder
Rape
Robbery
Drug Offenses
Other Felonies
Certain Misdemeanors

CIVIL JURISDICTION

Unlimited Monetary Claims
Generally

FAMILY COURT

CRIMINAL JURISDICTION

Murder (reverse amenable juveniles)
Rape (juvenile)
Robbery (juvenile)
Drug Offenses (juvenile)
Other Felonies (juvenile)
Certain Misdemeanors (juvenile and adult*)

CIVIL JURISDICTION

Unlimited Monetary Claims
Divorce and Child Support

EQUITY JURISDICTION

Specific Performance
Restraining Orders
Injunctions
Corporate Stock Valuation
Partition Real Estate***
Guardianship***
Foster Care Review

UNIQUE JURISDICTION

Divorce and Annulment**
Separate Maintenance ***
Adoptions**
Termination of Parental Rights**
Custody and Visitation
Juvenile Delinquency
Child Dependency, Neglect and Abuse
Child Support
Paternity Determinations
Protection From Abuse Act Proceedings
Abortion Notification Waivers
Imperiling Family Relationship
Intra-family Misdemeanor Crimes

CHANCERY COURT

EQUITY JURISDICTION

Specific Performance
Restraining Orders
Injunctions
Corporate Stock Valuation
Partition Real Estate
Guardianship
Other Corporate Matters

*- Adult trials may go to Superior Court for jury trial on review de novo

** - Originally Superior Court Jurisdiction

*** - Originally Chancery Court Jurisdiction

Interagency and Community Collaborations

The Family Court Judges, Commissioners, and Staff serve on numerous committees and interagency efforts on behalf of the Court. Additionally, the Judges and other personnel are actively involved in their community in committees, boards, and task forces requiring their expertise.

A sample list of committee representation and community involvement includes:

Interagency Collaboration

- Division of Family Services
- Division of Youth Rehabilitative Services
- Division of Child Mental Health Services
- Division of Child Support Enforcement
- Division Alcohol, Drug Addiction, and Mental Health
- Delaware Criminal Justice Information System (DELJIS)
- Department of Justice and Office of the Public Defender
- Criminal Justice Council
- Juvenile Justice Advisory Group
- Commission on Family Law
- Sentencing Accountability Commission (SENTAC)
- Delaware Police Chiefs' Council and all police agencies
- Domestic Violence Coordinating Council
- Child Advocacy Center
- Child Death Review Panels
- Fatal Incident Review Panels
- Child Protection Accountability Commission
- Children's Trust Fund
- Release Date Task Force
- Legislative Task Forces
- Attorney General's Task Forces
- Violence Against Women Act Implementation Committee

External Collaboration & Involvement

- Domestic Violence Task Force
- Delaware Coalition Against Domestic Violence
- Delaware State Bar Association and related sections
- Wilmington Advisory Commission on Youth and Families
- Delaware Perinatal Board
- Local and Private School Boards
- Youth Recreational Leagues
- Church leadership positions

HISTORY OF THE FAMILY COURT

The present Family Court system in Delaware evolved from the Juvenile Court for the City of Wilmington, created in 1911. Following the national trend to hear family-related matters in one court, the Family Court of New Castle County was established in 1945; six years later, in 1951, the Juvenile Court for Kent and Sussex Counties acquired jurisdiction over family matters.

These county courts later became state courts and in 1971 were merged into one statewide court named The Family Court of the State of Delaware, with subtitles (for administrative purposes) for New Castle County, for Kent County, and for Sussex County.

HISTORICAL HIGHLIGHTS

- 1911 The Juvenile Court for the City of Wilmington, established in this year, became the precursor to the Family Court. Its creation marked the triumph of a long and arduous campaign by the Juvenile Court and Probation Association, a group of concerned citizens who believed that delinquent children should be treated in a different manner than adult criminals. For some years, this citizen group paid the probation officer and provided a detention home separate from the adult jail.
- 1923 The Juvenile Court and Probation Association reorganized as The Family Court Association in order to bring a wide range of family problems under the jurisdiction of one court. The founders felt that most children could not, by their own efforts and resources, overcome the influences and factors contributing to their delinquency, and that the cooperation of the parents must be secured.
- 1923 Jurisdiction of the Juvenile Court for the City of Wilmington was extended to include all of New Castle County.
- 1933 The Juvenile Court for Kent and Sussex Counties was created.
- 1945 The Family Court of New Castle County was established.
- 1951 The Juvenile Court for Kent and Sussex Counties acquired jurisdiction over family matters.
- 1962 The Juvenile Court for Kent and Sussex Counties was renamed The Family Court for Kent and Sussex Counties.
- 1955 The two county courts became two state Family Courts.
- 1971 The two state Family Courts were merged into one statewide court called The Family Court of the State of Delaware, with county subtitles for administrative purposes.
- 1972 Separate maintenance jurisdiction, formerly in the Court of Chancery, was mandated to the Family Court.
- 1974 The Court was selected from all the family courts in the nation by the Accreditation Committee of the National Council of Juvenile Court Judges as the validating court for perfecting the Council's accreditation standards.
- 1975 Jurisdiction over divorce and annulment and ancillary matters, formerly in Superior Court, was added to Family Court.
- 1980 Jurisdiction over adoptions and termination of parental rights, formerly in Superior Court, was added to Family Court.
- 1981 The Court acquired concurrent jurisdiction with the Court of Chancery to appoint guardians of the person over minors.

- 1991 Law passed authorizing Family Court Commissioners to be nominated by the Governor and confirmed by the Senate to serve four year terms
- 1992 Masters qualifications changed requiring hearing officers to be lawyers
- 1992 Dispositional Guidelines for Juveniles approved for implementation in New Castle County
- 1993 Creation of Families and Children At Risk Unit in New Castle County
- 1994 Implementation of Family Court Automated Information System (FAMIS) to handle child support cases
- 1994 Protection From Abuse Act provides civil protection orders to victims of domestic violence
- 1996 Arbitration program developed for property division
- 1996 Juvenile Drug Court established in New Castle County
- 1996 Strategic Planning Initiatives developed through committees on Internal Operating Procedures, Trial Court Performance Standards, Court Improvement Project, and Courting Quality
- 1997 Court Improvement Project Assessment recommends major reform to Foster Care Cases
- 1998 Trial Court Performance Standards implemented statewide
- 1998 Juvenile Drug Court expanded statewide
- 1999 All Masters positions become Commissioners
- 1999 Family Court Performance Standards completed